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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**
21

22 MARGITA GERGELOVA and VIKTOR
23 GERGEL, individually, as successors-in-interest to
ARNOLD GERGEL, deceased, and as co-Personal
24 Representatives of the Estate of ARNOLD
GERGEL; ALIA FAROUKH, individually, as
25 legal guardian for KARIM WARDE KHALIFEH
and MOHAMAD ALI KHALIFEH, as successor-
26 in-interest to HUSSEIN MOUNIR KHALIFEH,
deceased and as Personal Representative of the
27 Estate of HUSSEIN MOUNIR KHALIFEH;
CAMILLE LACOME, individually, as legal
28 guardian for ZOURI SALEMKOUR LACOME, as

CASE NO. 09-CV-05020-SI

[Assigned to Hon. Susan Y. Illston]

STIPULATION AND [PROPOSED]
ORDER REGARDING STAY OF
PENDING MOTIONS TO DISMISS

1 successor-in-interest to SAMIR SALEMKOUR,
 2 deceased and as Personal Representative of the
 3 Estate of SALEMKOUR LACOME; MATTHIEU
 4 ARRONDO, individually, as successor-in-interest
 5 to CATHERINE ARRONDO TAKVORIA,
 6 deceased, and as Personal Representative of the
 7 Estate of CATHERINE ARRONDO TAKVORIA;
 8 CHANTAL KOEHLER, individually, as
 9 successor-in-interest to AUDREY QUESADA,
 10 deceased, SANA ZERELLI, deceased, and
 11 JASSIM ZERELLI, deceased, and as Personal
 12 Representative of the Estates of AUDREY
 13 QUESADA, SANA ZERELLI, AND JASSIM
 14 ZERELLI; and GUY WARRIOR, individually, as
 15 successor-in-interest to NEIL WARRIOR,
 16 deceased, and as Personal Representative of the
 17 Estate of NEIL WARRIOR,

18 Plaintiffs,

19 vs.

20 AIRBUS S.A.S.; HONEYWELL
 21 INTERNATIONAL; THALES GROUP; THALES
 22 U.S.A., INC.; MOTOROLA, INC.; INTEL CO.;
 23 ROCKWELL COLLINS CO.; HAMILTON
 24 SUNDSTRAND CORP.; GENERAL ELECTRIC
 25 CO.; GE AVIATION SYSTEMS, LLC;
 26 ROSEMOUNT AEROSPACE INC.; DUPONT
 27 CO.; and RAYCHEM CO.,

28 Defendants.

Pursuant to Civil Local Rules 6-2 and 7-12, Defendants Motorola, Inc., E. I. du Pont de Nemours and Company and Raychem Corporation (collectively, "Moving Defendants") and all Plaintiffs, by and through their respective counsel of record, HEREBY STIPULATE AS FOLLOWS:

1. WHEREAS, all defendants have filed with the Judicial Panel on Multidistrict Litigation (the "Panel") a Joint Motion for Coordinated or Consolidated Pre-Trial Proceedings Pursuant to 28 U.S.C. § 1407 (the "Motion"), seeking to consolidate this case with two other actions also arising from the crash of Air France Flight 447, and the Panel has scheduled a

1 hearing on the Motion for March 25, 2010. A true and correct copy of the Panel's hearing order
2 is attached hereto as Exhibit A.

3 2. WHEREAS, Moving Defendants also have filed motions to dismiss Plaintiffs'
4 complaint, and this Court has scheduled a hearing on those motions for March 12, 2010 (Dkt. 87).

5 3. WHEREAS, Moving Defendants and Plaintiffs seek to conserve judicial resources
6 and will not suffer prejudice from delaying a ruling on Moving Defendants' motions to dismiss
7 until the Panel resolves Defendants' Motion.

8 4. WHEREAS, a stay pending the Panel's resolution of Moving Defendants' Motion
9 is supported by case law. *See, e.g., Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360-61 (C.D.
10 Cal. 1997) (holding that stay was warranted, pending resolution by the Panel of a motion to
11 transfer and consolidate, because such a stay would conserve judicial resources and would not
12 prejudice the parties); *Palmer v. Am. Honda Motor Co.*, No. CV 07-1904-PHX-DGC, 2008 WL
13 54914, at *1 (D. Ariz. Jan. 3, 2008) (same).

14
15
16 NOW, THEREFORE, MOVING DEFENDANTS AND PLAINTIFFS HEREBY
17 STIPULATE AS FOLLOWS:

18
19 This Court may order that the hearings on Moving Defendants' motions to dismiss are
20 continued and taken off calendar until after the Panel's ruling on the Motion to the Panel, with
21 new hearings to be rescheduled thereafter at the request of the Moving Defendants (if appropriate
22 in light of the Panel's ruling) on a date and time convenient for this Court.

23 **IT IS SO STIPULATED.**

24 Dated: March 9, 2010

BOWLES & VERNA LLP

25 By: /s/ Michael P. Verna
26 Michael P. Verna

27 Attorneys for Plaintiffs
28

1 Dated: March 9, 2010

SCHNADER HARRISON SEGAL & LEWIS
LLP

2
3 By: /s/ Leo J. Murphy

4
5 Attorneys for Defendant
MOTOROLA, INC.

6
7 Dated: March 9, 2010

CROWELL & MORING LLP

8
9 By: /s/ Lisa J. Savitt

10 Attorneys for Defendant
11 E. I. DU PONT DE NEMOURS AND
COMPANY

12
13 Dated: March 9, 2010

MENDES & MOUNT LLP

14
15 By: /s/ Jason L. Vincent

16 Attorneys for Defendant
17 RAYCHEM CORPORATION


18 Pursuant to General Order 45 Section X.B, each of the above signatories concurs in the
19 filing of this document.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The hearings on Moving Defendants' motions to dismiss are ~~continued~~^{withdrawn} and taken off calendar until after the Panel's ruling on the Motion to the Panel, with new hearings to be rescheduled thereafter at the request of the Defendants (if appropriate in light of the Panel's ruling) on a date and time convenient for this Court.

DATED: _____, 2010



Honorable Susan Y. Illston
United States District Court Judge

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